

REMARKS

The Office Action dated January 28, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-20 are currently pending in the application, of which claims 1, 10, and 14-18 are independent claims. Claims 14-16 have been added, and claims 17-20 have been added to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1-20 are respectfully submitted for consideration.

Claims 1-16 were rejected under 35 U.S.C. 102(a) as being anticipated by the Nokia document, "Seamless Handoff of Mobile Terminal from WLAN to CDMA2000 Network," of Parikh et al. ("Parikh"). Applicants respectfully traverse this rejection.

Clear distinctions between Parikh and the claimed invention are already of record. Nevertheless, in order to expedite prosecution, Applicants respectfully submit that the present invention was conceived prior to the apparent publication date of Parikh, and was diligently reduced to constructive reduction or practice shortly thereafter. Accordingly, it is respectfully submitted that Parikh is not "prior art," under 35 U.S.C. 102(a) (or any other section) because Parikh was not published "before the invention thereof by the applicant[s] for patent" as required by 35 U.S.C. 102(a).

The enclosed affidavit demonstrating prior invention under 37 CFR 1.131(b) or alternatively under 37 CFR 1.131(a) is submitted with the signature of two of the inventors, the others not being immediately available for signature. Nevertheless, neither 37 CFR 1.131(b) nor 37 CFR 1.131(a) necessarily requires that all the inventors sign the

affidavit testifying to prior inventorship. Furthermore, corroborating evidence in the form of eleven redacted exhibits is enclosed in confirmation of the affidavit. Additionally, it should be noted that at least three of the authors of Parikh are also inventors of the present application, which further tends to demonstrate that the paper was not published before the invention by the inventors of the presently recited invention (even assuming *arguendo* that the paper were to disclose or suggest all of the features of the claims, which is not admitted).

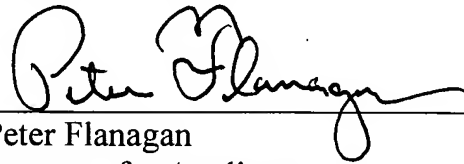
It should be noted that when the two inventors state in the Affidavit “we are the inventors,” they do not, of course, mean that they are the only two inventors, as the inventorship of the other four inventors is already of record. Thus, the phrase “we are the inventors” should be understood as inclusive only and not as exclusive of the other inventors.

It is respectfully requested that the rejection be withdrawn either on the basis of the enclosed affidavit antedating Parikh, or on the distinctions between Parikh and the claimed invention, which are already of record.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants’ undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Flanagan", written over a horizontal line.

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Enclosures: Additional Claims Transmittal
Affidavit
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